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OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
FIFTY-SEVENTH LEGISLATURE

**ONE HUNDRED EIGHTEENTH LEGISLATIVE DAY
SATURDAY, MAY 3, 2003**

Senate Chamber

President Risch called the Senate to order at 9 a.m.

Roll call showed all members present except President Pro Tempore Geddes, and Senators Lodge, Noble, Stegner, and Werk, absent and excused.

Prayer was offered by Chaplain Gene Arnold.

The Pledge of Allegiance was led by Lana Muller, Journal Clerk.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

President Pro Tempore Geddes, and Senators Lodge, Noble, Stegner, and Werk were recorded present at this order of business.

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of May 2, 2003, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

May 3, 2003

The JUDICIARY AND RULES Committee reports that **S 1202, S 1203, S 1204, S 1205, S 1206**, and **SCR 117** have been correctly printed.

DARRINGTON, Chairman

S 1202, S 1203, S 1204, S 1205, and **S 1206** were referred to the Finance Committee.

SCR 117 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

May 3, 2003

The JUDICIARY AND RULES Committee reports that Enrolled **S 1194, S 1195, S 1199, S 1200**, and **S 1201** were delivered to the Office of the Governor at 4:40 p.m., May 3, 2003.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

May 3, 2003

The FINANCE Committee reports out **S 1202, S 1203, S 1204, S 1205**, and **S 1206** with the recommendation that they do pass.

CAMERON, Chairman

S 1202, S 1203, S 1204, S 1205, and **S 1206** were filed for second reading.

May 3, 2003

The FINANCE Committee reports out **HCR 30** with the recommendation that it do pass.

CAMERON, Chairman

HCR 30 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

May 2, 2003

Mr. President:

I return herewith Enrolled **S 1192**, which has been signed by the Speaker.

JUKER, Chief Clerk

Enrolled **S 1192** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

May 3, 2003

Mr. President:

I transmit herewith Enrolled **H 458, H 451, H 463, H 456**, and **H 464** for the signature of the President.

JUKER, Chief Clerk

The President signed Enrolled **H 458**, **H 451**, **H 463**, **H 456**, and **H 464** and ordered them returned to the House.

The Senate advanced to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **SCR 117** were suspended.

The President announced that **SCR 117** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

On motion by Senator Cameron, seconded by Senator Stennett, **SCR 117** was adopted by voice vote, title was approved, and the resolution ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 30** be suspended.

The President announced that **HCR 30** was before the Senate for final consideration.

Moved by Senator Stegner, seconded by Senator Stennett, that **HCR 30** be adopted. The question being, "Shall the resolution be adopted?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 29.

NAYS--Banner (Pearce), Brandt, Burtenshaw, Geddes, Sweet, Williams. Total - 6.

Total - 35.

Whereupon the President declared **HCR 30** adopted, title was approved, and the resolution ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

S 1202, **S 1203**, **S 1204**, **S 1205**, and **S 1206**, by Finance Committee, were read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

H 397 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Little arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 31.

NAYS--Banner (Pearce), Brandt, Calabretta. Total - 3.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President declared **H 397** passed, title was approved, and the bill ordered returned to the House.

H 396 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Compton arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Schroeder, Sorensen, Stegner, Stennett, Werk. Total - 28.

NAYS--Banner (Pearce), Brandt, Burtenshaw, Richardson, Sweet, Williams. Total - 6.

Absent and excused--Davis. Total - 1.

Total - 35.

Whereupon the President declared **H 396** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1202** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1202** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

The President called Senator Bailey to the Chair.

S 1202 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner(Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Kennedy. Total - 1.

Total - 35.

Whereupon the Acting President declared **S 1202** passed, title was approved, and the bill ordered transmitted to the House.

The President returned to the Chair.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1203** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1203** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

The President called Senator Compton to the Chair.

S 1203 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Banner (Pearce), Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 29.

NAYS--Burkett, Calabretta, Kennedy. Total - 3.

Absent and excused--Andreason, Gannon, Williams. Total - 3.

Total - 35.

Whereupon the Acting President declared **S 1203** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1204** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1204** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the Acting President declared the rules suspended.

The President returned to the Chair.

S 1204 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Calabretta, Kennedy. Total - 2.

Total - 35.

Whereupon the President declared **S 1204** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1205** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1205** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1205 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **S 1205** passed, title was approved, and the bill ordered transmitted to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **S 1206** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **S 1206** be read the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

S 1206 was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Calabretta arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Schroeder, Sorensen, Stegner, Stennett, Sweet, Williams. Total - 30.

NAYS--Burkett, Calabretta, Kennedy, Richardson, Werk. Total - 5.

Total - 35.

Whereupon the President declared **S 1206** passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

May 3, 2003

Mr. President:

I transmit herewith **H 390** and **H 452**, and I return herewith **S 1171**, **SCR 116**, and **S 1148**, as amended, which have passed the House.

JUKER, Chief Clerk

H 390 and **H 452** were filed for first reading.

S 1171, **SCR 116**, and **S 1148**, as amended, were referred to the Judiciary and Rules Committee for enrolling.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On request by Senator Davis, granted by unanimous consent, the following letter and report from the Chairman of the Senate Education Committee were ordered spread upon the pages of the Journal:

May 2, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

Attached hereto is the Committee Report from the Senate Education Committee prepared at the request of Senate

Leadership on **S 1196, S 1197, S 1198, H 456, and H 463.**

We request that this report be accepted by the Idaho Senate.

Sincerely,
/s/ Gary J. Schroeder
Chairman, Education Committee
Idaho Senate

REPORT OF SENATE EDUCATION COMMITTEE ON EDUCATION BUDGET BILLS - May 2, 2003

The Senate Education Committee is appreciative of the opportunity to provide a public forum for the discussion of five public education bills: **S 1196, S 1197, S 1198, H 456, and H 463.** We are also cognizant that holding a meeting on bills of such importance and magnitude on a few hours notice prevented most of the interested public from attending. That is unfortunate. As such, this meeting did not represent what has come to be known as a "public hearing" in the normal legislative sense.

We emphasize that this hearing was for informational purposes only and that this report to the Idaho Senate was prepared as a result of this hearing. The bills were not referred to the Senate Education Committee and the Committee was not allowed to take any action on these bills. No votes to pass, hold, or amend the bills were allowed or taken. The Committee was only asked to listen to testimony and write this report to the Senate.

PROCESS

We hope that the Legislature can return to our past culture where stakeholders are consulted, open hearings are held, and judicious decisions made.

One disturbing aspect of these five bills is the addition of 135 lines of new and inserted code language spread over 24 pages and 52 sections. Last year there were no instances of strike and insert or new language in the public school education appropriation. More disturbing, however, is that many of the statutory changes represent language or similar language to that which was killed in three other legislative committees. Public hearings were held on the bills when they were in those committees, testimony was taken, and the committees voted to not allow the bills to move forward. In an unprecedented move, these ideas have been resurrected and placed in the appropriation bills.

History will show that Joint Finance-Appropriations Committee (JFAC) bills are rarely defeated or altered on the floor of the Legislature. Clearly, the architects of this strategy knew that they stood a better chance of enacting these unpopular ideas into law if they attached them to an appropriation bill.

The Senate has long operated under the principle that the germane committees deal with issues of public policy, hold public hearings, and make decisions on bills related to their areas of expertise. Of particular importance is the involvement of the public, the people of the state of Idaho, who expect to have an opportunity to address their lawmakers when public policy is

being considered. The process that was used to bring these bills to the floor of the Senate violates the history, traditions, protocols and processes of the Senate. It is incomprehensible that major public policy changes of this magnitude would be made without public testimony taken by the decision makers.

Idaho has one of the best budget systems in the entire nation. This year, these obstructionists have been involved in activities which threaten to tear down not only our budget system and JFAC, but the committee system as well.

These five budgets that we are now discussing were previously passed as one budget. This Committee believes that arbitrarily breaking the public education budget into five sections is poor policy. Instead of one public school bill with one debate in the House and one debate in the Senate, there are now ten debates. If one bill is voted down, the entire process comes unraveled.

The Senate Education Committee recommends that when the allocation of scarce dollars is necessary, that the germane committees be involved in the process. The school funding formula is extremely complex and JFAC is always pressured for time. This increases the likelihood for errors, as evidenced by trailer bills this session. In addition, the principal focus of the two committees are not the same. The Education Committees are sensitive to constitutional requirements which require thoroughness and uniformity and work with stakeholders to achieve the necessary cooperation to ensure the success of the system. JFAC focuses on setting a balanced budget and allows no public participation. The involvement of the germane committees will do much to foster a culture of cooperation between the committees and the public.

The addition of federal dollars in these budgets is also problematic. Previously, these dollars were not included. The result of their inclusion will create confusion when the public tries to compare yearly budgets. Also important is the issue of using federal funds to supplant state funding. We have attached a letter from the United States Department of Education regarding this issue. We hope that the presentation of our budgets in this fashion, with federal dollars presented in this way, is not interpreted by the feds as an effort by Idaho to use federal dollars to supplant state funding.

REVIEW OF LEGISLATION

A recommended general management strategy for tight budget situations is that you give managers greater flexibility to move dollars around and use them more effectively. These bills are a reversal of good management policies in that it takes this flexibility away from the schools and places it in JFAC.

An additional effect of this legislation is that it may very well strike a serious blow to our efforts to implement testing in our schools and to comply with the federal No Child Left Behind legislation (NCLB). Morale is already low among administrators, teachers, and school trustees and the message is that we are going to further frustrate their efforts.

The overall effect of this legislation will be that districts will be left with less money than last year. To have sufficient money for operation, they will be forced to obtain their funding from other sources, which is the property tax. Failing in their ability to do this, they must consider options like four-day school weeks (e.g. Challis, Orofino; Lewiston Morning Tribune, May 1, 03) and wholesale program elimination.

S 1196 Facilities Division

Previously, lottery funds flowed to the districts based on ADA (Average Daily Attendance) data and were to be used for facility maintenance and construction. Last year, the Legislature passed **S 1474** which provided funds to districts for interest payments on construction projects. The districts' share was based on a formula which assessed need. It was the intent of the Legislature that this be funded from general funds. Instead, we find that **S 1474** is being funded from lottery funds. The effect of this is that there are no new funds for school facilities but simply a reconstruction of the method under which lottery funds are dispersed and the districts receive less money.

S 1197 Administration Division

To maintain their accreditation, schools must retain a viable administrative staff. Idaho's administrative staff number is below the national average and is vital to the success of school programs. During House debate on these bills, one person noted that you cannot run an army without officers and sergeants, and you can't run a school without administrators.

Certainly, the ability of districts to redirect funds allows some flexibility to districts. We should caution, however, there is a possibility that this bill could eventually upset our equity efforts.

The only savings in this component come from the removal of administrators from the early retirement program. The question that needs to be asked is whether we need incentives to find good administrators. A second question would revolve around whether it is fair to remove administrators and not others.

The salary cap of the administrator index appears to be well below any cap which is likely to occur any time soon.

S 1198 Children's Programs Division

The inclusion of dollars for the Idaho Digital Learning Academy is noteworthy and recommended.

H 463 Operations Division

We are glad to see the technology funding returned to the \$8.4 million level.

Capping the property tax results in a situation where the school districts simply lose the ability to capture any increased market values. If, in the future, .1% equals more than \$75 million, the difference between \$75 million .1% will be lost to the schools. This would be another case of lost money for the schools and a broken promise by the state.

The creation of a Public School Stabilization Fund appears to have been done so that there would be an appearance that public schools were funded at \$943 million, while placing \$8 million in a lock box. The schools would never receive this money unless some of the other appropriated funds are not available. This is, on its surface, deceptive and would be judged as such by the public.

There is ardent and meritorious debate on both sides of the transportation issue. There is also merit to some of the proposals outlined in the language of the bill. It appears that the Joint Legislative Oversight Committee (JLOC) should be allowed to conclude its analysis before any conclusions are reached because local systems are dissimilar and busing models must be varied. As one witness noted, this bill appears to be a "broad brush or meat ax" approach.

Additionally, we are uncomfortable with the premise that the federal government will provide a waiver to allow the use of federal dollars to supplant state dollars for achievement standards implementation.

H 456 Division of Teachers

This bill caps the statewide average instructional index at 1.58513. In the future, should the statewide index be above 1.58513, only 1.58513 times the base would be available statewide for teacher salaries. Each district would receive a share equal to their relative index compared to other indices.

When the index was put in place, along with the use-it-or-lose-it clause, the intent was to ensure that every district would be able to adequately staff its system to meet the requirements of the thoroughness statute. It enables districts to seek to employ the highest qualified personnel and resulted in the ability of many districts to reduce class sizes because of the state allocation. It removed the incentive to hire the "lowest cost" teacher.

The Division of Financial Management (DFM) has projected savings of \$3.7 million in FY 04 and a savings of over \$55 million over the next five years. This is money that would be allocated for teacher salaries but will not be available to fund teachers as a result of this bill. Obviously, because of contractual arrangements with staff, schools will be forced to use discretionary dollars to fund these contracts or raise property taxes through supplemental M&Os. Long term, the impetus will be to hire less experienced teachers.

This also raises the equity issue, because some districts have more market value behind students and therefore have a theoretical ability to pass M&O over-rides whereas the "poor" districts do not. Will the rich get richer and the poor "poorer"?

The elimination of funding for the teacher mentor program also raises serious questions. Would you hire a new employee and then provide no assistance for them to become acquainted with their new job? The elimination of these funds for a program recommended by a legislative interim committee, is a serious blow to the development of accountability for our schools. Districts will now have to find money for this program as well.

Once the statewide average index is at 1.58513 or above, the only way to raise teacher salaries is to raise the base salary. The Legislature is responsible for raising the base salary and with the passage of this legislation, the question of increases in teacher salaries will be placed directly in the Legislature, perhaps in the Changes in Employment Compensation Committee.

RECOMMENDATION

The Senate Education Committee recommends that all 5 bills be returned to the Finance Committee and that all statutory changes be removed. We believe that the violations of the public trust represented by these bills are of such magnitude that this action is necessary. In addition, major public policy issues that have been developed by hundreds of education, government, and legislative leaders over a period of years are being changed without thought or review.

May 3, 2003

The JUDICIARY AND RULES Committee reports that **S 1148**, as amended, **S 1171**, and **SCR 116** have been correctly enrolled.

DARRINGTON, Chairman

The President signed Enrolled **S 1148**, as amended, **S 1171**, and **SCR 116**, and ordered them transmitted to the House for the signature of the Speaker.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

H 390 and **H 452**, by Revenue and Taxation Committee, were introduced, read the first time at length, and referred to the Local Government and Taxation Committee.

On motion by Senator Davis, seconded by Senator Stennett, by voice vote the Senate recessed at 12:10 p.m. until the hour of 1:30 p.m. of this day.

RECESS AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Risch presiding.

Roll call showed all members present except Senator Andreason, absent and excused.

Prior to recess the Senate was at the Eleventh Order of Business, Introduction, First Reading, and Reference of Bills, House Petitions, Resolutions, and Memorials.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Ninth Order of Business.

Messages from the House

Senator Andreason was recorded present at this order of business.

May 3, 2003

Mr. President:

I transmit herewith **HCR 33**, **H 467**, **H 468**, **H 469**, **H 470**, **H 471**, and **H 472** which have passed the House.

JUKER, Chief Clerk

HCR 33, **H 467**, **H 468**, **H 469**, **H 470**, **H 471**, and **H 472** were filed for first reading.

May 3, 2003

Mr. President:

I transmit herewith Enrolled **HCR 30**, **H 397**, and **H 396** for the signature of the President, and I return herewith Enrolled **S 1148**, as amended, **S 1171**, and **SCR 116**, which have been signed by the Speaker.

JUKER, Chief Clerk

The President signed Enrolled **HCR 30**, **H 397**, and **H 396** and ordered them returned to the House.

Enrolled **S 1148**, as amended, and **S 1171** were referred to the Judiciary and Rules Committee for transmittal to the Office of the Governor.

Enrolled **SCR 116** was referred to the Judiciary and Rules Committee for transmittal to the Office of the Secretary of the State.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

Introduction, First Reading and Reference of Bills, House Petitions, Resolutions, and Memorials

HCR 33, by Appropriations Committee, was read at length and referred to the Finance Committee

H 467, **H 468**, **H 469**, **H 470**, **H 471**, and **H 472**, by Appropriations Committee, were introduced, read the first time at length, and referred to the Finance Committee.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

May 3, 2003

The FINANCE Committee reports out **HCR 33**, **H 467**, **H 468**, **H 469**, **H 470**, **H 471**, and **H 472** with the recommendation that they do pass.

CAMERON, Chairman

HCR 33 was referred to the Tenth Order of Business, Motions and Resolutions, and ordered held at the Secretary's desk for one legislative day.

H 467, H 468, H 469, H 470, H 471, and H 472 were filed for second reading.

May 3, 2003

The LOCAL GOVERNMENT AND TAXATION Committee reports out **H 390** and **H 452** with the recommendation that they do pass.

BUNDERSON, Chairman

H 390 and **H 452** were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 467** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 467** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 467 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 34.

NAYS--Goedde. Total - 1.

Total - 35.

Whereupon the President declared **H 467** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 468** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 468** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 468 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Banner (Pearce), Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Andreason. Total - 1.

Absent and excused--Brandt. Total - 1.

Total - 35.

Whereupon the President declared **H 468** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 469** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 469** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 469 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 33.

NAYS--Burkett, Hill. Total - 2.

Total - 35.

Whereupon the President declared **H 469** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 470** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 470** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 470 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Cameron arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Williams. Total - 30.

NAYS--Burkett, Calabretta, Kennedy, Werk. Total - 4.

Absent and excused--Geddes. Total - 1.

Total - 35.

Whereupon the President declared **H 470** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 471** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 471** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 471 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Lodge arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Bailey, Banner (Pearce), Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Richardson, Sorensen, Stegner, Sweet, Williams. Total - 26.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Schroeder, Stennett, Werk. Total - 8.

Absent and excused--Andreason. Total - 1.

Total - 35.

Whereupon the President declared **H 471** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 472** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 472** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 472 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Marley arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burtenshaw, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Keough, Little, Lodge, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Sweet. Total - 27.

NAYS--Burkett, Calabretta, Kennedy, Malepeai, Marley, Stennett, Werk. Total - 7.

Absent and excused--Williams. Total - 1.

Total - 35.

Whereupon the President declared **H 472** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 390** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 390** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron,

Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 390 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hill arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stennett, Werk, Williams. Total - 31.

NAYS--Hill, Little, Stegner, Sweet. Total - 4.

Total - 35.

Whereupon the President declared **H 390** passed, title was approved, and the bill ordered returned to the House.

Motion to Suspend Rules

Moved by Senator Davis, seconded by Senator Stennett, that all rules of the Senate interfering with the immediate passage of **H 452** be suspended; that the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days be dispensed with, this being a case of urgency, and that **H 452** be read the second time by title and the third time at length, section by section, and be put upon its final passage. The question being, "Shall the rules be suspended?"

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

More than two-thirds having voted in the affirmative, the President declared the rules suspended.

H 452 was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Ingram arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Davis noted a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES--Andreason, Bailey, Banner (Pearce), Brandt, Bunderson, Burkett, Burtenshaw, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Geddes, Goedde, Hill, Ingram, Kennedy, Keough, Little, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Richardson, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk, Williams. Total - 35.

Whereupon the President declared **H 452** passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Tenth Order of Business.

Motions and Resolutions

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate consideration of **HCR 33** were suspended.

The President announced that **HCR 33** was before the Senate for final consideration, the question being, "Shall the resolution be adopted?"

Moved by Senator Cameron, seconded by Senator Stennett, that **HCR 33** be adopted. The question being, "Shall the resolution be adopted?"

Roll call vote was requested by Senators Calabretta, Stennett, and Marley.

Roll call resulted as follows:

AYES--Banner (Pearce), Brandt, Burtenshaw, Geddes, Little, Richardson, Williams. Total - 7.

NAYS--Andreason, Bailey, Bunderson, Burkett, Calabretta, Cameron, Compton, Darrington, Davis, Gannon, Goedde, Hill, Ingram, Kennedy, Keough, Lodge, Malepeai, Marley, McKenzie, McWilliams, Noble, Noh, Schroeder, Sorensen, Stegner, Stennett, Sweet, Werk. Total - 28.

Total - 35.

Whereupon the President declared that the Senate had failed to adopt **HCR 33** and ordered the resolution returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

Miscellaneous Business

On request by Senator Stegner, granted by unanimous consent, the President appointed a committee consisting of Senator Sorensen, Chairman, and Senators Williams and Marley to notify the House of Representatives that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President excused the committee.

On request by Senator Stegner, granted by unanimous consent, the President appointed a committee consisting of Senator Cameron, Chairman, and Senators Burtenshaw and

Malepeai to notify the Governor that the Senate had completed its business and was ready to adjourn *Sine Die*.

The President excused the committee.

The committee appointed to wait upon the Governor returned and reported that it had delivered the President's message. The committee conveyed the Governor's message to the President and the members of the Senate.

The President thanked and discharged the committee.

The committee appointed to wait upon the House of Representatives returned and reported that it had delivered the President's message. The committee conveyed the Speaker's message to the President and the members of the Senate.

The President thanked and discharged the committee.

On request by Senator Davis, granted by unanimous consent, the President appointed a committee consisting of Senators Darrington, Chairman, and Senators Keough and Burkett to escort the committee from the House of Representatives, consisting of Representatives Leon Smith, Langford, and Robison into the Senate Chamber. The House committee informed the President and the members of the Senate that the House of Representatives had completed its business and was ready to adjourn *Sine Die*.

The Senate committee was discharged.

On motion by Senator Davis, seconded by Senator Werk, by voice vote the Senate of the First Regular Session of the Fifty-seventh Legislature of the State of Idaho adjourned *Sine Die* at 6 p.m., May 3, 2003.

May 5, 2003

Enrolled **S 1148**, as amended, **S 1171**, and **S 1192** were delivered to the Office of the Governor at 1:50 p.m., May 5, 2003.

May 5, 2003

Enrolled **SCR 116** was delivered to the Office of the Secretary of State at 1:55 p.m., May 5, 2003.

May 5, 2003

Having failed to pass the House, **SJM 104** was returned to the Senate and filed in the office of the Secretary of the Senate.

May 5, 2003

S 1196, **S 1197**, **S 1198**, **S 1202**, **S 1203**, **S 1204**, **S 1205**, and **S 1206** were received from the House, enrolled, signed by the President, transmitted to the House, signed by the Speaker, returned to the Senate, and delivered to the Office of the Governor at 1:35 p.m., May 5, 2003.

May 5, 2003

May 9, 2003

SCR 117 was received from the House, enrolled, signed by the President, transmitted to the House, signed by the Speaker, returned to the Senate, and delivered to the Office of the Secretary of State at 1:41 p.m., May 5, 2003.

May 5, 2003

Enrolled H 467, H 468, H 469, H 470, H 471, H 472, H 390, and H 452 were received from the House, signed by the President, and returned to the House.

May 5, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed and am transmitting to the Secretary of State the following signed Senate Bills, to wit:

S 1176, S 1195, S 1199, S 1201

Sincerely,
/s/ Dirk Kempthorne
Governor

May 7, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed and am transmitting to the Secretary of State the following signed Senate Bills, to wit:

**S 1171, S 1192, S 1200, S 1202,
S 1203, S 1204, S 1205, S 1206**

Sincerely,
/s/ Dirk Kempthorne
Governor

May 8, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed and am transmitting to the Secretary of State the following signed Senate Bill, to wit:

S 1194

Sincerely,
/s/ Dirk Kempthorne
Governor

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed and am transmitting to the Secretary of State the following signed Senate Bills, to wit:

S 1196, S 1197, S 1198

Sincerely,
/s/ Dirk Kempthorne
Governor

May 12, 2003

The Honorable James E. Risch
President of the Senate
Idaho Legislature

Dear Mr. President:

I have the honor to inform you that I have signed and am transmitting to the Secretary of State the following signed Senate Bill, to wit:

S 1148, As Amended

Sincerely,
/s/ Dirk Kempthorne
Governor

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CERTIFICATE

State of Idaho)
)
Senate Chamber, Boise, Idaho)

We, JAMES E. RISCH, President of the Senate, and JEANNINE WOOD, Secretary of the Senate, do hereby certify and attest as follows:

That the daily Senate Journal of the proceedings of May 3, 2003, has been read and approved;

And, that we have carefully compiled in the Senate Journal of the First Regular Session of the Fifty-seventh Idaho Legislature all of the proceedings of the One Hundred Eighteenth Legislative Day, and that said Journal contains a full, true, and correct record of all proceedings of said Senate for said day and final actions upon all legislation.

IN WITNESS WHEREOF, we have hereunto set our hand this 19th day of May, 2003.

JAMES E. RISCH, President

Attest: JEANNINE WOOD, Secretary